

Platform work today

no certainty of work tomorrow

Fair conditions for SELF EMPLOYED and EMPLOYEES



While digital platforms provide a range of services and products, ETUC advocacy focuses on digital labour platforms. These platforms organise work and have rapidly penetrated a number of economic sectors, going around existing laws and promoting new business models - creating on one hand hefty revenues for shareholders, and on another an avalanche of precarious work.

A Directive has been proposed by the European Commission, that if improved and implemented well by Member States, could bring significantly better the conditions to platform workers. **This directive would protect their rights, and close the**

legislative loopholes that platforms use to hire workers without having to take any real responsibility as their employers.

How will the Directive change the status quo?

Across EU member states, workers decided to challenge platforms and have brought their unfair treatment of workers in front of judicial bodies. Their victories prove that platforms are acting as regular employers, while willfully disregarding their obligations as such - paying social contributions, providing health insurance, or respecting the right to a break. However, victory after victory has brought very little (if any) change to the modus operandi of these platforms, and they happily continue to deny rights to the millions of other workers who have the same exact conditions which have been successfully challenged in court.

The European Directive could stop all speculation if establishing **that all platforms are considered employers unless proven otherwise**. In other words, the presumption of an employment relationship would not have to be triggered by one brave worker but would apply automatically to all workers in the same category. At the same time, if the platform disagrees, they will have access to a swift rebuttal procedure during which, by opening up their algorithm, they can demonstrate that they are merely intermediators for genuinely self-employed workers.

Workers demand flexibility, should we not listen to them?

Many platform workers cherish the flexible working hours, but it is a false narrative that these arrangements are incompatible with the employment status. Proven time and time again, **collective bargaining and collective action can bring solutions that satisfy both workers and their employers**. At the same time, the ETUC is committed to protecting the rights of genuinely self-employed workers that advertise their services or get contracts via platforms, while being fully in control of their working conditions and pricing for their services.

World without improved directive



5,000,000 workers across the EU have to go to court, one at a time, to demand their rights as employees.

World with an ambitious directive



The presumption applies to all workers and a swift rebuttal procedure has clear rules to guide the decision-making body.

Concrete demands to strengthen the Directive

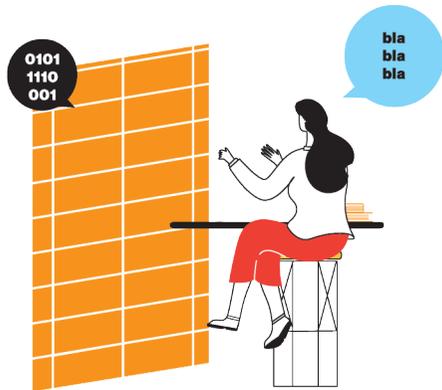
- 1 Forward-looking and broad definition of digital labour platforms, which does not allow for any misinterpretation and must apply to all existing and future platforms in all sectors.
- 2 Rebuttable presumption of an employment relationship without any criteria that platforms could circumvent.
- 3 Any algorithm that partly or completely replaces management must be open to all workers and their trade unions, together with transparent explanations of the impact on their work.
- 4 All platform workers must have the right to organise, create and join a union, and to bargain collectively.
- 5 All platform companies shall comply with the remuneration and other working conditions established by law or collective agreements for the relevant sector, as well as any other fiscal and social security obligations which may apply to employers.
- 6 Undocumented third-country nationals working through digital labour platforms should be protected from retaliation and deportation when litigating to defend their rights



If workers disagree that they are self-employed, they have to start the years-long and extremely expensive litigation process.



If the platform disagrees that they are employers, they can initiate the swift rebuttal procedure to prove that their workers are genuinely self-employed.



Workers are in a very vulnerable situation when talking to an algorithmic boss.



Strong trade union representation facilitates the dialogue and leads to win-win situations, including the agreement on the flexible working hours.

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